



Case Report

1	Case Number	0368/15
2	Advertiser	Southern Cross Austereo
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/09/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features Hamish and Andy walking toward a billboard of themselves as Hamish has seen a moustache drawn on Andy's arm. As they walk away, Hamish exclaims "you look like an idiot."

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

This advertisement appears at family viewing time and the use of the word "F...ing" is not appropriate, especially at this time of day.

I feel very strongly that any swear word is not appropriate at this time of day when young children are very likely to be watching, and its use personally offends me. I am concerned that my grandchildren will think that this is acceptable language, and by most standards (I am not including most sportsmen and teenage boys in this categorisation) it is not acceptable within the bounds of normal conversation. Such ads should be aimed at an older audience and not screened before 7.30.

As they (Hamish and Andy) walk away one calls the other " a f..... idiot". Now this ad is offensive especially the time slots during which it is shown. Certainly not appropriate within a program that specifically features children. As parents and teachers we try very hard to

teach the inappropriateness of both words.

Hamish swears about his appearance which is unnecessary, vulgar and on during the day. There is no reason to say the f.... Word. Why would this be allowed? Children are watching and bad language is a rising bad habit!!

The language used at the end of the commercial, using the words "you look stupid" is poor language to be used in front of pre school - school age children. Teaching your children that its not ok to be spoken to that way or to speak to others that way, then this ad comes on and goes against everything you teach them. I am complaining as my 5 year old daughter asked me why its ok for them to call each other stupid.... I was dumbfounded that channel 7 would allow this ad during this timeslot.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

We confirm that an advertisement was broadcast on 7Mate promoting Southern Cross Austereo. We have examined the provisions of the AANA Code of Ethics, and in particular Section 2 Consumer Complaints ("the Codes").

We submit that the Advertisement is not in breach of section 2.1 of the Codes. The Advertisement does not discriminate or seek to discriminate or vilify any persons or sections of the community based on their race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Section 2.2 of the Codes states that the Advertisement must not appeal in a manner which is "exploitative and degrading of any individual or group of people". Again, the Advertisement is in no way exploitative or degrades any individual or group of people.

Similarly we submit that Section 2.3 of the Codes also does not apply as the Advertisement does not present or portray violence.

We have also reviewed Sections 2.4 and 2.6 of the Codes which refer to sex and health and safety, respectively, and submit that these provisions do not apply to this Advertisement. You have requested that we examine whether we have used language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) and whether we have avoided strong or obscene language.

We acknowledge that the relevant audience during the relevant time slot may include children.

We submit that the language used in the Advertisement is very mild and would not be considered by the relevant audience to be strong or obscene.

We respectfully submit that no breach of section 2.5 has occurred.

We therefore submit that the Advertisement is highly likely to be non-controversial to the audience and contend that this is in no way an infringement of the Codes and should in no way be reflected as such in the determination of the Board.

We do not consider that this complaint falls within the remit of the AANA Code of Advertising and Marketing Communications to Children, or the AANA Food and Beverages Marketing Communications Code, and we confirm that there has been no agency or media buyer involvement in this matter.

We look forward to the Board's determinations in this matter. In the meantime, please contact me should you require any further information in relation to this matter.

Additional Response:

We refer to your letter dated 9 September 2015 regarding a further complaint made under Section 2 of the AANA Advertiser Code of Ethics received by the Advertising Standards Bureau on 5 September 2015.

We further refer to our letter dated 8 September 2015 responding to the initial complaint in respect of the Advertisement (the "Initial Response").

In addition to the submissions made in the Initial Response, we submit that the word "fucking" was not used at any point in the Advertisement. The script and video will evidence this.

We look forward to the Board's determinations in this matter.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concern that the advertisement includes language that is inappropriate and not suitable for children.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted that complainants referred to the use of the "f- word" in the advertisement and determined that, having viewed the advertisement, the words "fuck" or "fucking idiot" as identified by some complainants are not actually used in the advertisement. On this basis the Board could only consider the appropriateness of the language used in the advertisement. The Board noted this television advertisement features Hamish and Andy – media personalities, walking across an open space toward a billboard of them. Hamish is pointing out that someone has drawn a moustache on Andy. At the end of the advertisement Hamish

exclaims “you look like an idiot.”

The Board noted the complainant’s concern that the language used is poor language in front of young children.

The Board noted that most members of the community would be familiar with Hamish and Andy as radio and television personalities. The Board noted that the two men are friends and colleagues and that the basis of much of their success is their light-hearted mocking of one another. The Board noted that in the context of an advertisement involving these particular characters, the use of the term “you look like an idiot” is not derogatory or aggressive or meant to offend.

The Board noted that the tone of the advertisement is light-hearted and silly as Hamish makes such a fuss over a very small piece of graffiti on a very large billboard.

The Board considered that in the context of an advertisement for a comedic radio program the use of the word “idiot” is not inappropriate and would not be considered strong or obscene language by most members of the community.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.